UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,349	02/17/2004	Markus Oliver Hannebauer	7390-X04-029	9231

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ART UNIT	PAPER NUMBER
2178	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/781,349	HANNEBAUER ET AL.
	Examiner	**Art Unit**	
	Omar Abdul-Ali	2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _29 November 2007_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-40_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-40_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

The following action is in response to the Request for Continued Examination filed

October 23, 2007. Claims 1-40 are pending and have been considered below.

Response to Amendment

1.   The Affidavit filed on November 29, 2007 under 37 CFR 1.131 has been

considered but is ineffective to overcome the Jaeger (US 2005/0068290) reference.

2.   The evidence submitted is insufficient to establish a conception of the invention

prior to the effective date of the Jaeger (US 2005/0068290) reference. While

conception is the mental part of the inventive act, it must be capable of proof, such as

by demonstrative evidence or by a complete disclosure to another. Conception is more

than a vague idea of how to solve a problem. The requisite means themselves and

their interaction must also be comprehended. See *Mergenthaler v. Scudder*, 1897

C.D. 724, 81 O.G. 1417 (D.C. Cir. 1897). The submitted Affidavit filed November 29,

2007 which includes the Thesis paper from February 2003 does not provide sufficient

evidence (i.e. only Table of Contents, Abstract, and Introduction submitted) of the

claimed subject matter alleged in the Affidavit submitted October 23, 2007.

3.   The evidence submitted is insufficient to establish a reduction to practice of the

invention in this country or a NAFTA or WTO member country prior to the effective date

of the Jaeger (US 2005/0068290) reference. The submitted Affidavit filed November

29, 2007 which includes the Thesis paper from February 2003 does not provide

sufficient evidence (i.e. only Table of Contents, Abstract, and Introduction submitted) of

the claimed subject matter alleged in the Affidavit submitted October 23, 2007.

4.   The evidence submitted is insufficient to establish diligence from a date prior to

the date of reduction to practice of the Jaeger (US 2005/0068290) reference to either a

constructive reduction to practice or an actual reduction to practice. The submitted

Affidavit filed November 29, 2007 which includes the Thesis paper from February 2003

does not provide sufficient evidence (i.e. only Table of Contents, Abstract, and

Introduction submitted) of the claimed subject matter alleged in the Affidavit submitted

October 23, 2007.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 1-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Jaeger (US 2005/0068290) in view of Farrah (US 2004/0030997) and further in view of

Balthaser (US 7,000,180).

Claims 1, 8, and 15: Jaeger discloses a method for entering a presentation into a

computer, comprising:

a. providing a container having a set of container grid lines (page 2, paragraph 47);

b. providing a set of graphical objects, each graphical object of the set of graphical objects having a set of object grid lines (page 5, paragraph 65);

c. selecting one of the graphical objects of the set of graphical objects (page 6, paragraph 79);

d. positioning of the selected one of the graphical objects within the container (page 6, paragraph 79);

e. if one object grid line of the set of object grid lines of the one of the graphical objects is positioned on one of the container grid lines: binding of the one object grid line to the one container grid line (Figure 22b/page 6, paragraph 91).

Farrah discloses a similar system for creating an artwork that further discloses if one object grid line is not positioned on a container grid line: generating additional container grid lines at the current position of the one object grid line and binding the object into a region in the container (page 10, paragraph 233). However, Farrah does not explicitly disclose the additional grid lines are movable. Balthaser discloses similar methods, systems, and processes for entering a presentation into a computer that further discloses generating horizontal and vertical "guides" (additional container grid lines) that are movable and may be snapped to grid lines and objects. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that additional movable grid lines could be generated to bind the graphic object in Jaeger to a container region. One would have been motivated to generate

additional movable grid lines in order to freely place a graphic object in any space on the container.

Claims 2, 9, and 16: Jaeger, Farrah, and Balthaser disclose a method for entering a presentation into a computer as in Claims 1, 8, and 15 above, and Farrah further discloses that the additional container grid lines are generated and bound when the selected one of the graphical objects is located within the container (page 10, paragraph 233). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to generate additional container grid lines and bind the graphic object in Jaeger when the object is positioned within the container. One would have been motivated to generate additional grid lines when the object is placed in the container in order to provide the user with the freedom to place a graphic object in any space on the container. As in Claims 1, 8, and 15, the property that the additional container grid lines are movable is incorporated from Balthaser.

Claims 3, 10, and 17: Jaeger, Farrah, and Balthaser disclose a method for entering a presentation into a computer as in Claims 1, 8, and 15 above, and Farrah further discloses generating additional rectangular grid lines when a further graphical object has been located in the container area that bind the object to the plurality of grid lines that are parallel to the edges of the area (page 10, paragraph 233). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to generate additional container grid lines when a second graphical object is

positioned within the container in <u>Jaeger</u> and bind this additional graphical object to the grid lines defined by a first graphical object and the container grid lines. One would have been motivated to generate and bind the additional grid lines when the second object is placed in order to freely place a second object in the container, with respect to a first object so that alignment will be preserved. As in Claims 1, 8, and 15, the property that the additional container grid lines are movable is incorporated from <u>Balthaser</u>.

Claims 4, 11, and 18: <u>Jaeger</u>, <u>Farrah</u>, and <u>Balthaser</u> disclose a method for entering a presentation into a computer as in Claims 1, 8, and 15 above, and <u>Jaeger</u> further discloses:

a. the container grid lines and the object grid lines of graphical objects of the set of graphical objects positioned within the container provide a grid with snap-to-grid functionality (page 6, [0091]).

Claims 5, 12, and 19: <u>Jaeger</u>, <u>Farrah</u>, and <u>Balthaser</u> disclose a method for entering a presentation into a computer as in Claims 1, 8, and 15 above, and <u>Farrah</u> further discloses resizing graphical objects in order to keep them in proportion relative to one another according to a rule describing the relationship between two graphical objects (page 6, paragraph 137). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to assign constraints to a subset of graphical objects in <u>Jaeger</u> and use an automatic constraint solver for resolution of the constraints. One would have been motivated to assign constraints to specific graphical

objects in order to properly display these objects in the layout according to specific requirements.

Claims 6, 13, and 20: Jaeger and Farrah disclose a method for entering a presentation into a computer as in Claims 1, 8, and 15 above, and Jaeger further discloses:

a. the binding between grid lines establishes a spatial constraint that the grid lines are co-located (page 7, paragraph 94).

Claims 7, 14, and 21: Jaeger and Farrah disclose a method for entering a presentation into a computer as in Claims 1, 8, and 15 above, and Jaeger further discloses:

a. using the one graphical object as a second container for positioning a further graphical object (page 6, paragraph 80).

Claims 22, 28, and 35: Jaeger, Farrah, and Balthaser disclose a method for entering a presentation into a computer as in Claims 1, 8, and 15 above, and Balthaser further discloses setting a constraint on a position of said movable additional grid line (snap to grid), and positioning said movable additional grid line in said container based on said constraint (column 37, lines 23-42). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to set a constraint on a position of said movable additional grid line, and position said movable grid line in said container based on said constraint in Jaeger. One would have been motivated to set a

constraint on a position of said movable additional grid line in order to preserve the alignment of the graphical objects with container grid lines.

Claims 23, 29, and 36: Jaeger, Farrah, and Balthaser disclose a method for entering a presentation into a computer as in Claims 22, 28, and 35 above, and Balthaser further discloses positioning said selected one of said graphical objects based on the binding of said movable additional grid line to said one of said object grid lines and on said constraint (column 37, lines 23-42). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to position said selected one of said graphical objects based on the binding of said movable additional grid line to said one of said object grid lines and on said constraint in Jaeger. One would have been motivated to position a selected graphical object based on the binding of said movable additional grid line and an object grid line on said constraint in order to preserve the alignment of the graphical objects with container grid lines.

Claims 24, 30, and 37: Jaeger, Farrah, and Balthaser disclose a method for entering a presentation into a computer as in Claims 22, 28, and 35 above, and Balthaser further discloses snapping guide lines (additional movable grid line) to grid lines and components. Farrah discloses sizing objects based on the grid rectangle size (page 3, paragraph 68). It would have been obvious to one having ordinary skill in the art at the time the invention was made to size said selected one of said graphical objects based on the binding of said movable additional grid line to said one of said object grid lines

and on said constraint in Jaeger. One would have been motivated to size the selected graphical object based on the binding of the movable additional grid line to one of said object grid lines and on said constraint to preserve the alignment of the graphical objects with container grid lines.

Claims 25, 31, and 38: Jaeger, Farrah, and Balthaser disclose a method for entering a presentation into a computer as in Claims 1, 8, and 15 above, and Jeager further discloses setting a constraint based on a type of said selected one of said graphical objects (page 6, paragraphs 81 and 91).

Claims 26 and 32: Jaeger, Farrah, and Balthaser disclose a method for entering a presentation into a computer as in Claims 1, and 8 above, and Balthaser further discloses entering a user-defined constraint (guide snap on/off) on said additional movable grid line (column 37, lines 23-42). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to enter a user defined constraint on said additional movable grid line in Jaeger. One would have been motivated to enter a user-defined constraint on said additional movable grid line in order to allow the user to control the rules that are applied to the additional grid lines.

Claims 27 and 33: Jaeger, Farrah, and Balthaser disclose a method for entering a presentation into a computer as in Claims 26 and 32 above, and Farrah further discloses selecting said user-defined constraint from the group consisting of maintaining

a spacing of said container grid lines, setting an aspect ratio of said selected one of said

graphical objects, and a minimum size of said selected one of said graphical objects,

and text formatting of said selected one of said graphical objects (page 6, paragraph

136) Therefore, it would have been obvious to one having ordinary skill in the art at the

time the invention was made to select said user defined constraint from the claimed

group in Jaeger. One would have been motivated to enter a user-defined constraint on

said additional movable grid line in order to allow the user to control the rules that are

applied to the additional grid lines.

Claim 34: Jaeger, Farrah, and Balthaser disclose a method for entering a presentation

into a computer as in Claim 8 above, but none of the references explicitly disclose a

plug-in computer product, which executes the computer program in conjunction with a

general presentation program. However, plug-in computer products are well know in

the computer arts, and it would have been obvious to one having ordinary skill in the art

at the time the invention was made to execute the computer program using a plug-in

product in Jaeger. One would have been motivated to use a plug-in product to execute

the computer program for design choice.

Claim 39: Jaeger, Farrah, and Balthaser disclose a method for entering a presentation

into a computer as in Claim 15 above, and Jaeger further discloses an input device for

inputting of a user-defined constraint on said additional movable grid line. As in Claims

1, 8, and 15, the property that the additional container grid lines are movable is incorporated from Balthaser.

Jaeger does not explicitly disclose a constraint solver maintains a layout obeying said user-defined constraint. However, Farrah further discloses resizing graphical objects in order to keep them in proportion relative to one another according to a rule describing the relationship between two graphical objects (page 6, paragraph 137). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to use a constraint solver that maintains a layout obeying said user defined constraint in Jaeger. One would have been motivated to use a constraint solver that maintains a layout obeying said user defined constraint in order to preserve the rules set by the user that are applied to the relationships between graphical objects.

Claim 40: Jaeger, Farrah, and Balthaser disclose a method for entering a presentation into a computer as in Claim 39 above, and Balthaser further discloses selecting said user-defined constraint from the group consisting of maintaining a spacing of said container grid lines, setting an aspect ratio of said selected one of said graphical objects, and a minimum size of said selected one of said graphical objects, and text formatting of said selected one of said graphical objects (column 37, lines 23-42). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to select said user defined constraint from the claimed group in Jaeger. One would have been motivated to enter a user-defined constraint on said

additional movable grid line in order to allow the user to control the rules that are

applied to the additional grid lines.

Response to Arguments

7.   Applicant's arguments with respect to claims 5, 12, 19, 24, 30, 37, 27, and 33

have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Omar Abdul-Ali whose telephone number is 571-270-

1694. The examiner can normally be reached on Mon-Fri(Alternate Fridays Off) 8:30 -

6:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OAA
12/07/2007

STEPHEN HONG
SUPERVISORY PATENT EXAMINER